

United States District Court
Western District of Texas
El Paso Division

FILED
July 26, 2024
Clerk, U.S. District Court
Western District of
Texas

By: MG
Deputy

UNITED STATES OF AMERICA

vs.

(2) ISMAEL ZAMBADA GARCIA

Defendant

§
§
§
§
§
§

Case Number: EP:12-CR-00849(2)-KC ATB

IN PERSON

ORDER SETTING D.C. ARRAIGNMENT / DETENTION


IT IS HEREBY ORDERED that the above entitled and numbered case is set for D.C. ARRAIGNMENT / DETENTION in Magistrate Courtroom, Room 412, on the 4th Floor of the United States Courthouse, 525 Magoffin Avenue, El Paso, TX, on:

Wednesday, July 31, 2024, at 11:00 AM

IT IS FURTHER ORDERED that the Clerk of the Court shall send a copy of this order to counsel for defendant, the United States Attorney, United States Pretrial Services and the United States Probation Office, and any surety or custodian, if applicable. Further, counsel for the defendant shall notify the defendant of this setting and, if the defendant is on bond, advise the defendant to be present at this proceeding.

In accordance with Federal Rule of Criminal Procedure 5(f), as amended by the **Due Process Protections Act**, Pub. L. No. 116-182, 134 Stat. 894 (Oct. 21, 2020), the Government is hereby notified of and ordered to comply with (1) the prosecutor's disclosure obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny, and (2) the possible consequences of violating this Order, which may include sanctions such as delay of trial or other proceedings, the exclusion of evidence, the giving of adverse jury instructions, the granting of a new trial, the dismissal of charges, or contempt proceedings.

IT IS SO ORDERED this **July 26, 2024**.



ANNE T. BERTON
UNITED STATES MAGISTRATE JUDGE

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

UNITED STATES OF AMERICA

vs.

(2) ISMAEL ZAMBADA GARCIA

§
§
§
§
§

NO: EP:12-CR-00849(2)-KC

**WAIVER OF PRELIMINARY HEARING
AND/OR DETENTION HEARING**
(Rule 5 or 32.1, Fed.R.Crim.P.)

PRELIMINARY HEARING

I, (2) ISMAEL ZAMBADA GARCIA, charged in a complaint pending in this District, and having appeared before this Court and been advised of my rights as required by Rule 5 or 32.1, Fed.R.Crim.P., including my right to have a preliminary hearing, I have been advised that at a preliminary hearing, the government will be required to provide evidence to support the charges pending against me. Now, appearing with the benefit of counsel I, do hereby waive (give up) my right to a preliminary hearing.

Yo, (2) ISMAEL ZAMBADA GARCIA, el inculpado en una acusación pendiente en este Distrito, he comparecido ante este Tribunal y me han informado de mi derecho a una audiencia preliminar, cumpliendo con el reglamento 5 o 32.1 de los Reglamentos de Procedimientos Penales Federales, por este medio renuncio (abandono) a mi derecho a una audiencia preliminar.

07/26/2024

Date/Fecha

(2) ISMAEL ZAMBADA GARCIA,
Defendant/Acusado

DETENTION HEARING

I have also been advised of my right to a detention hearing. I have been advised that, at a detention hearing, the court will hear evidence to determine whether I should be held in jail without bond or whether a bond should be set for me. I have been advised that, if I waive (give up) my right to a detention hearing, I will be held in jail without bond while I wait for trial. I have discussed this right with counsel, and I hereby waive (give up) my right to have a detention hearing.

También me han informado de mi derecho a una audiencia para fijar fianza, el juez recibirá las pruebas para poder determinar si seguiré detenido sin fianza o si me fijarán fianza. Me han informado que si renuncio (abandono) mi derecho a una audiencia para fijar fianza, seguiré detenido sin fianza hasta que se me someta a juicio. Renuncio (abandono) mi derecho a una audiencia para fijar fianza.

07/26/2024

Date/Fecha

(2) ISMAEL ZAMBADA GARCIA,
Defendant/Acusado

Frank A. Perez,
COUNSEL FOR DEFENDANT
Abogado Del Acusado

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

USA

vs.

(2) ISMAEL ZAMBADA GARCIA

§
§
§
§
§

NO: EP:12-CR-00849(2)-KC

WAIVER OF PERSONAL APPEARANCE AT ARRAIGNMENT
AND
ENTRY OF PLEA OF NOT GUILTY

COMES NOW Defendant in the above-referenced case who, along with his undersigned attorney, hereby acknowledges the following:

1) Defendant has received a copy of the indictment or information in this case. Defendant understands the nature and substance of the charges contained therein, the maximum penalties applicable thereto, and his/her Constitutional rights, after being advised of all the above by his/her attorney.

2) Defendant understands he/she has the right to appear personally with his/her attorney before a Judge for arraignment in open Court on this accusation. Defendant further understands that, absent the present waiver, he/she will be so arraigned in open Court.

Defendant, having conferred with his/her attorney in this regard, hereby waives personal appearance with his/her attorney at the arraignment of this case and the reading of the indictment or information, and by this instrument, tenders his/her plea of "not guilty." The defendant understands that entry by the Court of said plea for defendant will conclude the arraignment in this case for all purposes.

I UNDERSTAND, UNLESS OTHERWISE ORDERED BY THE COURT, I MUST FILE ANY PRETRIAL MOTION (CITING LEGAL AUTHORITY UPON WHICH I RELY AND A PROPOSED ORDER) WITHIN 14 DAYS AFTER ARRAIGNMENT, OR, IF I HAVE WAIVED ARRAIGNMENT, WITHIN 14 DAYS AFTER THE LATEST SCHEDULED ARRAIGNMENT DATE. SEE LOCAL CRIMINAL RULES CR-12 AND CR-47.

Date: _____

DEFENDANT

Signature of Attorney